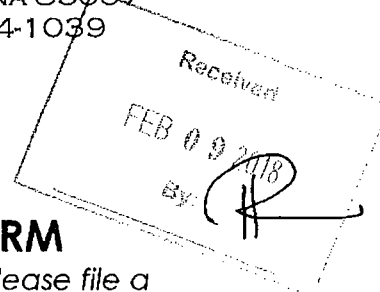


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1PET (1738) FAX (602) 364-1039

VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Feb. 9, 2018

Case Number: 18-72

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Ivan Weinstein

Premise Name: Santa Cruz Veterinary Clinic

Premise Address: 5408 South 12th Avenue

City: Tucson State: AZ Zip Code: 85706

Telephone: 520 889-9643

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Rose Rivera

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Home Telephone: [REDACTED] Cell Telephone: ○

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Baby girl

Breed/Species: Chihuahua mix

Age: _____ Sex: Female Color: cream

PATIENT INFORMATION (2):

Name: _____

Breed/Species: _____

Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Ivan Weinstein

Santa Cruz Veterinary Clinic
5408 South 12th Avenue
Tucson, AZ 85706

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Rose Rivera
Molly Zdunezyk

[REDACTED]

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Rose Rivera

Date: 1-30-2008

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

Baby girl my Service Dog was not treated good at Santa Cruz Veterinary Clinic. Ivan Weinstein knew Baby was going to Die. She was passing her Liver through the Rectum. There was Blood everywhere. As soon as he took a look at her he knew she was having trouble Breathing. He took X-Ray of Bathside of her Belly. He told she has liver problems. He seen all the Blood. He also seen the Liver pieces coming out of her. He charged me \$365.00 for the visit. and still he didn't warn me, She was going to pass away. I can remember Baby girl looking sad. She was having trouble Breathing. I can't sleep at night. I'm so very depression. please Bring Justice to my Baby girl the office personal or managment. Refuse to give me the paper work that say she had Liver problems.

Rose Rivera



Last Name: Rivera Pet's Name: Baby Girl DOB: Sex: FS
Breed: Chihuahua Mix Color: Cream

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: AM Investigative Committee: Robert Kritsberg, D.V.M. - Chair
Ryan Ainsworth, D.V.M.
Christina Tran, D.V.M. - **Absent**
Mary Williams
William Hamilton

STAFF PRESENT: Tracy A. Riendeau, CVT - Investigations
Victoria Whitmore, Executive Director
Sunita Krishna, Assistant Attorney General

RE: Case: 18-72
Complainant(s): Rose Rivera
Respondent(s): Ivan Weinstein, D.V.M. (License: 2021)

SUMMARY:

Complaint Received at Board Office: 2/9/18
Committee Discussion: 6/5/18
Board IIR: 8/15/18

APPLICABLE STATUTES AND RULES:

Laws as Amended July 2014
(Salmon); Rules as Revised September
2013 (Yellow).

On January 23, 2018, "Baby Girl," a 5-year-old female Chihuahua was presented to Respondent due to vomiting and passing bloody diarrhea. Diagnostics were performed and Respondent identified liver issues. Respondent discharged the dog with Clavamox and Carafate.

Complainant stated that the dog passed away shortly after arriving home.

Complainant contends Respondent was negligent in the care of the dog.

Complainant was noticed and appeared telephonically. Witness, Ms. Molly Zdunczyk appeared telephonically. Respondent was noticed and appeared telephonically. Counsel, David Stoll, appeared.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: Rose Rivera
- Respondent(s) narrative/medical record: Ivan Weinstein, DVM
- Witness(es): Santa Cruz Veterinary Clinic Staff and responsible veterinarian.

PROPOSED 'FINDINGS of FACT':

1. On January 22, 2018, the dog was presented to Respondent for evaluation of vomiting and passing bloody diarrhea. Complainant reported that she had been treating the dog for approximately 3 days at home. The night before the dog was administered B12. Upon exam, the dog had a weight = 19.75 pounds, a temperature = 99.9 degrees, a heart rate = 140bpm and a respiration rate = 40rpm. Respondent noted the dog was overweight, dyspneic and had bloody stool. Diagnostics were performed.

2. Parvo snap test = negative.

3. Blood results revealed the following abnormalities:

RBC	8.62	5.5 – 8.5
HCT	64.9	37 – 55
HGB	19.2	12 – 18
RETIC	144.6	10 – 110
WBC	5.15	5.15 – 16.9
NEUTS	0.40	2 – 12
MONO	3.67	0.30 – 2
EOS	0.00	0.10 – 1.49
TP	10.2	5.2 – 8.2
ALT	133	10 – 125
ALKP	275	23 – 212
CHOL	321	110 – 320

4. Respondent documented in the medical record that he suspected liver issues. They typed (transcribed) medical record has additional information than the hand-written version. In the typed version of the medical record, Respondent noted that the radiographs revealed a slightly enlarged liver causing compression of the chest cavity making it difficult for the dog to breathe. The dog was overweight which did not help – liver disease could cause bleeding problems and progress to fibrosis and/or cirrhosis. Respondent further stated in the typed version that additional diagnostics could be performed such as an ultrasound and/or ultrasound guided biopsy which would need to be done at an emergency center where 24 hour care was available; Complainant declined referral.

5. The typed version of the medical record additionally stated that Respondent gave the dog a guarded prognosis based on clinical signs and extent of liver damage; discussed liver disease in depth with owner.

6. Staff member, Justine Dominguez, stated that she was present when Respondent recommended referral to an emergency facility for an ultrasound and discussed at length the dog's liver disease.

7. The dog was discharged with Clavamox 62.5mg/mL (amount unknown 15mL?, 30mL?), give 1mL every 12 hours until gone; and Carafate 100mg/mL (amount unknown), give 0.5mL every 12 hours for 5 days. In the typed written medical record, Respondent documented that Clavamox tablets were dispensed. The dog was to return if no improvement – follow up in one week; Complainant declined to bring the dog back.

8. Complainant called later that evening and the next day reporting that the dog passed away shortly after arriving home. She was upset and felt Respondent could have done more to help the dog. Complainant requested copies of the dog's medical record and was upset that the records did not include what Respondent and manager relayed to her about the dog. She wanted a completed set of the medical records including what Respondent had advised her.

9. Once the records were completed, staff could not reach Complainant to let her know the medical records were ready for pick up. According to Complainant, she was refused a copy of the medical records that said the dog had liver issues.

COMMITTEE DISCUSSION:

The Committee discussed that they believe Respondent's medical records were altered. There was additional information added to the typed written records and possibly to the hand written records.

Respondent claims he referred the dog, which would make sense based on the condition of the dog. However, Complainant and her witness both deny a referral was made. The witness also stated that Respondent administered the dog an antibiotic, which was not documented in the medical record, and Complainant did not recall that information – making the Committee feel the witness was not credible.

The Committee would have liked Respondent to have done more but he did refer the dog to an emergency facility.

The Committee reviewed the radiographs and did not feel the dog was dyspneic due to an enlarged liver compressing on the chest as Respondent claimed. The liver does appear slightly enlarged. The dog was obese and severely dehydrated– Respondent did not recommend fluid therapy.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that possible violations of the *Veterinary Practice Act* occurred.

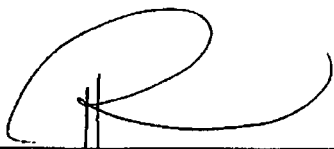
COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board find:

ARS § 32-2232 (12) as it relates to AAC R3-11-501 (9) for altering the dog's medical records and confusion over the form of medication dispensed.

Vote: The motion was approved with a vote of 3 to 1. Mr. Hamilton abstained.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

A handwritten signature in black ink, appearing to be 'Riendeau', written over a horizontal line.

Tracy A. Riendeau, CVT
Investigative Division

DOUGLAS A. DUCEY
GOVERNOR



VICTORIA WHITMORE
EXECUTIVE DIRECTOR

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CERTIFIED MAIL
70150640000353192431

October 19, 2018

Ivan Weinstein, DVM
ADDRESS ON FILE

LETTER OF CONCERN – 18-72 - In Re: Ivan Weinstein, DVM

Dear Dr. Weinstein:

At its meeting on October 17, 2018 the Arizona State Veterinary Medical Examining Board considered information presented in the complaint case brought by Ms. Rose Rivera regarding her dog "Baby Girl" that had been presented to you in January 2018.

In each case, the Board considers the situation and the professional's response, as well as all relevant information. In this matter, after review and discussion, the Board voted to issue you a Letter of Concern pursuant to A.R.S. § 32-2234 (D) regarding the need to ensure that the amount of medication dispensed is documented in the medical record and all medical recommendations are relayed to pet owners.

A Letter of Concern is defined in A.R.S. § 32-2201(12) as "...an advisory letter to notify a veterinarian that, while there is insufficient evidence to support disciplinary action about certain aspects of the case, the Board believes the veterinarian should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the Board may result in action against the veterinarian's license."

We hope you will take this advisory letter in the spirit that it is intended to avoid any other potential violations in the future.

Respectfully,
FOR THE BOARD

A handwritten signature in black ink, appearing to read "Victoria Whitmore".

Victoria Whitmore
Executive Director

cc: Ms. Rose Rivera
David Stoll, Esq.